1944. **File No.** O.C. of Wards 144

Legal Deptt.

A **BRANCH**

Subject:— Opinions under the Bombay Court of Wards Act 1905

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O.C. of Wards/44

File No.

Gen. 194 e.

472-A

C O N T E N T S.

Legal Department Vol. No, O. Court of Wards/1944.

Sr. No.	R.I./O.No.	Subject	Pages
	O.Court of Wards/1944	Opinions under the Bombay court of Wards Act, 1905.	
1	R.I.No.5793/44. O.No.5399/1-8-44	Question whether there is any objection to take over under the Court of Wards property situated outside the Bombay Province.	1-2
2	R.I.No. 10754/15-12-44 O.No.621/22-1-45	Re : Superintendence of an Estate under the court of Wards Act. Question whether the superin--tendence can be continued if the legal heir to the said Estate was declared under Sec.5(1)(c)(ii) to be of habits likely to cause injury to his property and whether the court of Wards can oppose transfer on the ground of the ward's bad habits if the ward sues for a certificate under sec. 40(2) of the Act.	3-8

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2 Copies.

L.D.R.I. No. 5793/44

One A.E. Bodhale, a landholder and Inamdar has died on 27-2-43 leaving behing him one unmarried daughter, one minor son Bhausaheb aged 12 years and an unmarried daugher aged 5 years. On 23-3-1943, one ~~Mr~~Fulanbai Mr. Bhausaheb Bodhale(widow of deceased's elder son) applied to the Collector to take the estate under the management of Court of Wards. The D.J. Sholapur has issued an order under sec. 1p of the Court of Wards Act for assumption of temporary management. In accordance with the order management of the properties except those in the Nizam's State have been taken up. Correspondence is going on as regards property in the Nizam's State. The Collr. has applied to Govt. for sanction under sec. 4(1) of the Act. G.D. proposes to accord the sanction but before that H.L.A. is requested to advise whether there is any objection to take over under the Court of Wards property situated outside the Bombay Province. The U.S.H.C. is of the opinion * that there is no objection to take over the superintendence of the property lying outside the province as an agent or guardian of the ward.

* This Bhausaheb appears to be elder brother of the minor Bhausaheb

Office of the R.L.A.

The superintendence of the estate will have to be withdrawn on a certificate of the District Court being produced that the ward has attained his majority (see section 40(2) of the Court of Wards Act, 1905) and the issue of such certificate cannot be opposed on the ground that the ward is incapable of managing his estate. If Government desires to continue the superintendence of the estate as proposed even after the issue of a certificate by the District Court that the ward has attained his majority, a fresh order of assumption of the superintendence of the estate would be necessary under section 4(1) after obtaining a declaration from the District Court under clause (c)(ii) of Section 6(1).

Id./..... 20/1/46.

Remembrancer of Legal Affairs.

U.O. to R.D. , No. 621 , dated the 22nd January 1946.

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